

### Whistleblower Protection

Federal laws protect federal employees from retaliation for disclosing allegations of wrongdoing— specifically allegations of a violation of law, rule or regulation; gross mismanagement; gross waste of funds; abuse of authority; or a substantial and specific danger to public health or safety. A person who makes these types of disclosures is commonly called a whistleblower.

Federal officials are prohibited from taking, threatening, proposing or failing to take a personnel action against a whistleblower because they made a whistleblower disclosure. Personnel actions can include a poor performance review, reassignment, demotion, suspension, and termination.

A disclosure of waste, fraud, or abuse that includes classified information is not a protected disclosure under the whistleblower laws unless the disclosure is made in accordance with the laws and rules that govern the proper handling and transmission of classified information. For example, you are not protected for disclosing classified information to an unauthorized recipient, even if you reasonably believe the information is evidence of waste, fraud, or abuse. You can make a protected disclosure of classified information to the OIG, but the information may not be transmitted using the OIG's unclassified hotline. For more information on how to properly provide classified information to the OIG, please contact the OIG's hotline at (800) 424-5210 or the OIG Whistleblower Protection Coordinator.

### **Making a Whistleblower Disclosure**

General Services Administration (GSA) employees have several options to disclose wrongdoing, including:

- Telling their supervisor or someone higher up in management;
- Contacting the [GSA's Office of Inspector General \(www.gsaig.gov/hotline\)](http://www.gsaig.gov/hotline); or
- Contacting the [Office of Special Counsel \(www.osc.gov\)](http://www.osc.gov).

---

### **Filing a Complaint about Whistleblower Retaliation**

Current and former GSA employees and applicants for employment with the GSA who believe they have been retaliated against for reporting wrongdoing, have several avenues for filing a whistleblower retaliation complaint.

- GSA employees may be able to file a grievance. Employees should consult applicable grievance procedures to determine whether their specific issue is grievable.
- Current and former GSA employees and applicants for employment may file a complaint with the Office of Special Counsel, which is an independent agency that enforces whistleblower protections and certain other actions within the Federal government. The Office of Special Counsel has the authority to seek corrective or disciplinary action on behalf of complainants. Information about filing a whistleblower retaliation complaint with the Office of Special Counsel can be found at <https://osc.gov/pages/file-complaint.aspx>.
- If the personnel action taken by management is an action directly appealable to the Merit Systems Protection Board (i.e. adverse actions like removals and suspensions of more than 14 days), when filing the appeal, employees and former employees may include in their filing that they believe the personnel action was taken as a result of whistleblower retaliation. The Merit Systems Protection Board will then

## Whistleblower Protection - GSA Office of Inspector General

---

review the action to make a determination on whether it was in fact taken as a result of whistleblower retaliation.

Complainants must choose one venue to file a complaint at a time. The entities with authority to investigate or hear appeals concerning allegations of whistleblower retaliation will not process the claim if a claim over the same issue is pending elsewhere.

---

### Further Whistleblower Retaliation Appeal Rights

Current and former GSA employees and applicants for employment with the GSA who have initially filed a complaint with the Office of Special Counsel have further appeal rights. Complainants may file what is called an Individual Right of Action Appeal with the Merit Systems Protection Board if the Office of Special Counsel:

- Has made a determination to not seek corrective or disciplinary action on your behalf; or
- Has not YET decided to seek corrective or disciplinary action AND 120 days has lapsed since the office's receipt of your complaint.

Information about filing whistleblower appeals with the Merit Systems Protection Board can be found at <http://www.mspb.gov/appeals/whistleblower.htm>.

---

### Whistleblower Protection Coordinator

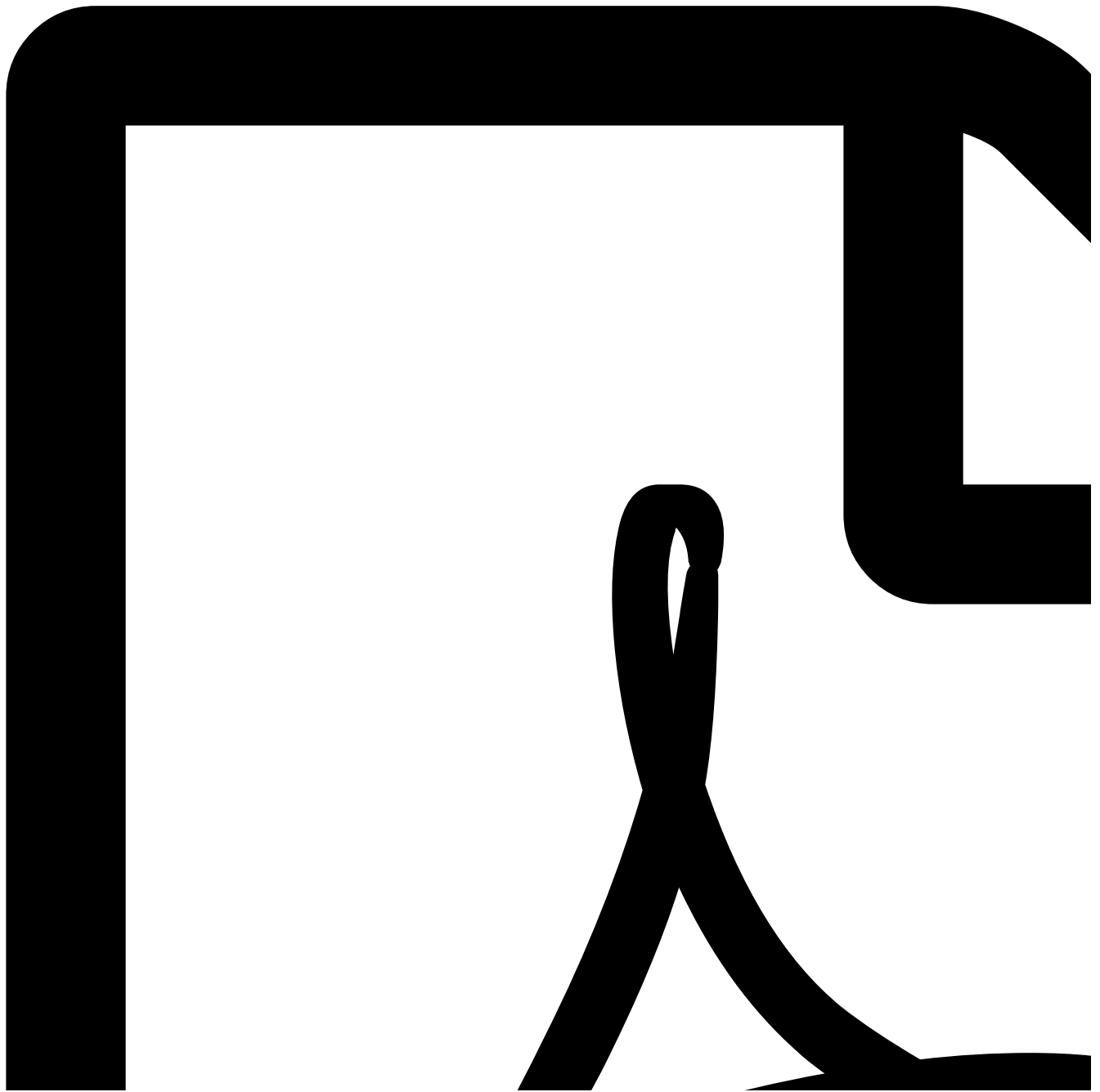
Current and former GSA employees can contact the GSA Office of Inspector General Whistleblower Protection Coordinator with questions about prohibitions on retaliation for protected disclosures or whistleblower rights and remedies against retaliation at [whistleblower@gsaig.gov](mailto:whistleblower@gsaig.gov) or (202) 273-7330.

Please note that the Coordinator is prohibited from acting as an employee's or former employee's legal representative, agent, or advocate.

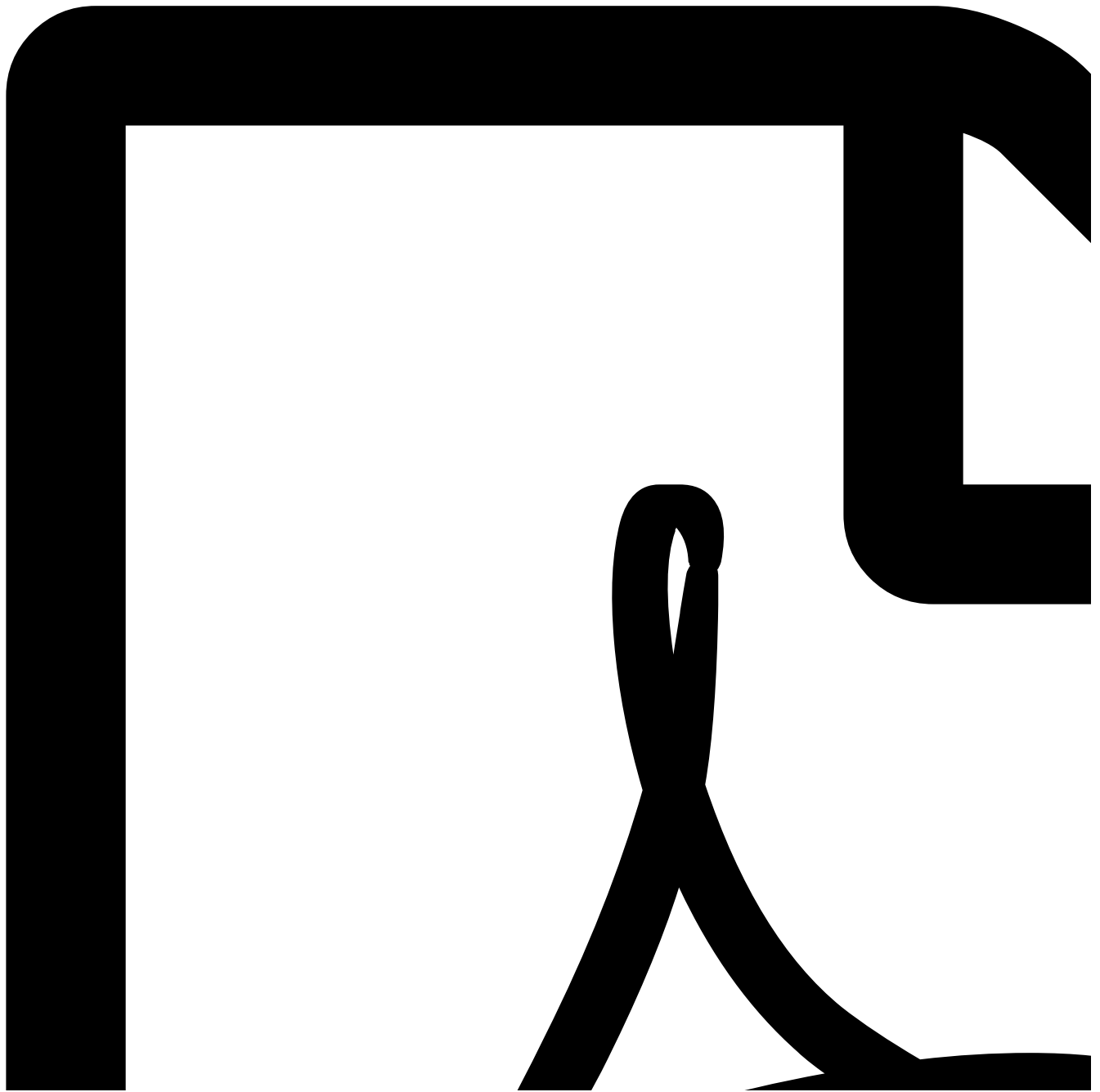
---

### Educational Resources

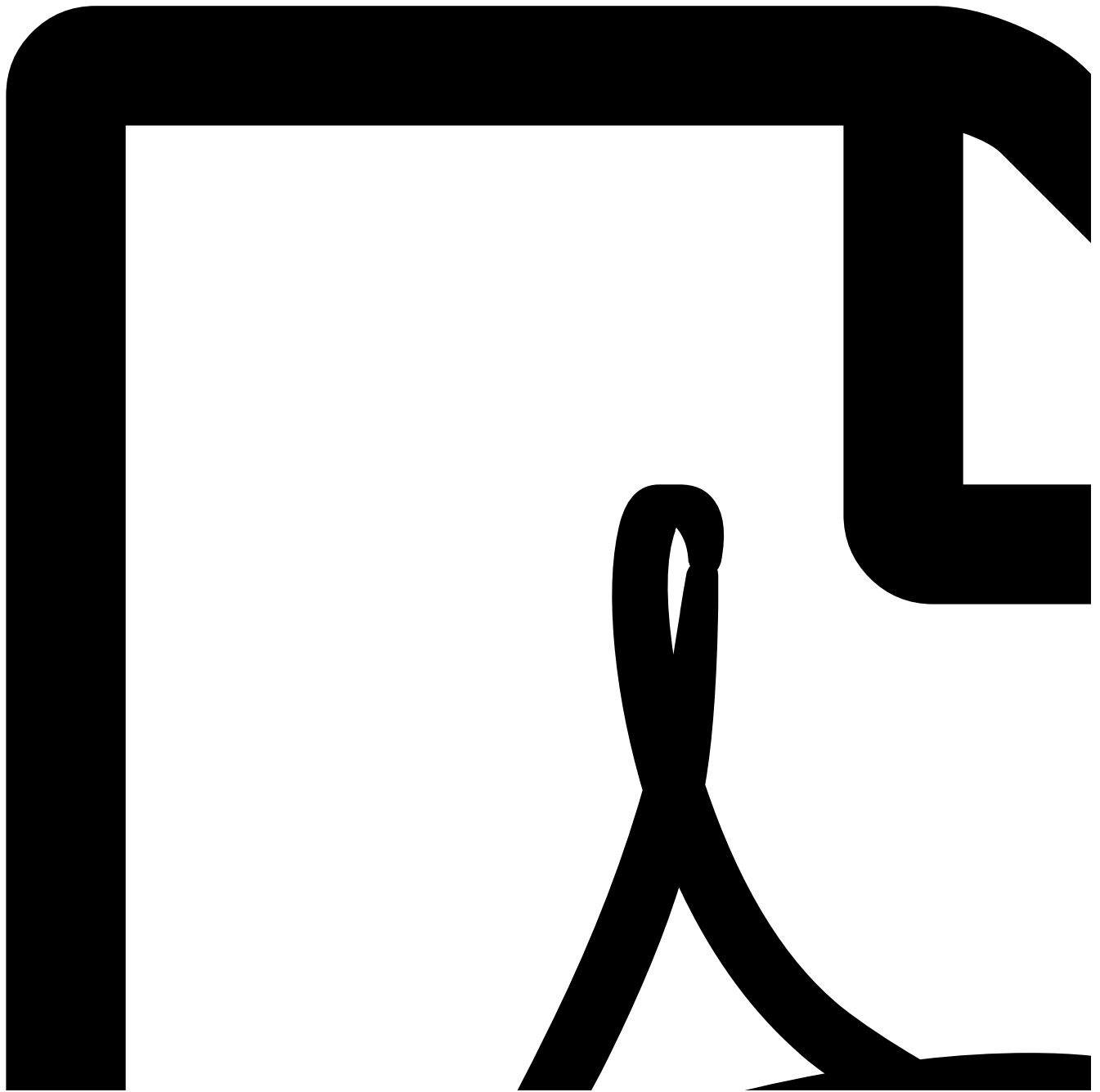
- U.S. Office of Special Counsel's "Know Your Rights When Reporting Wrongs" [brochure](#)



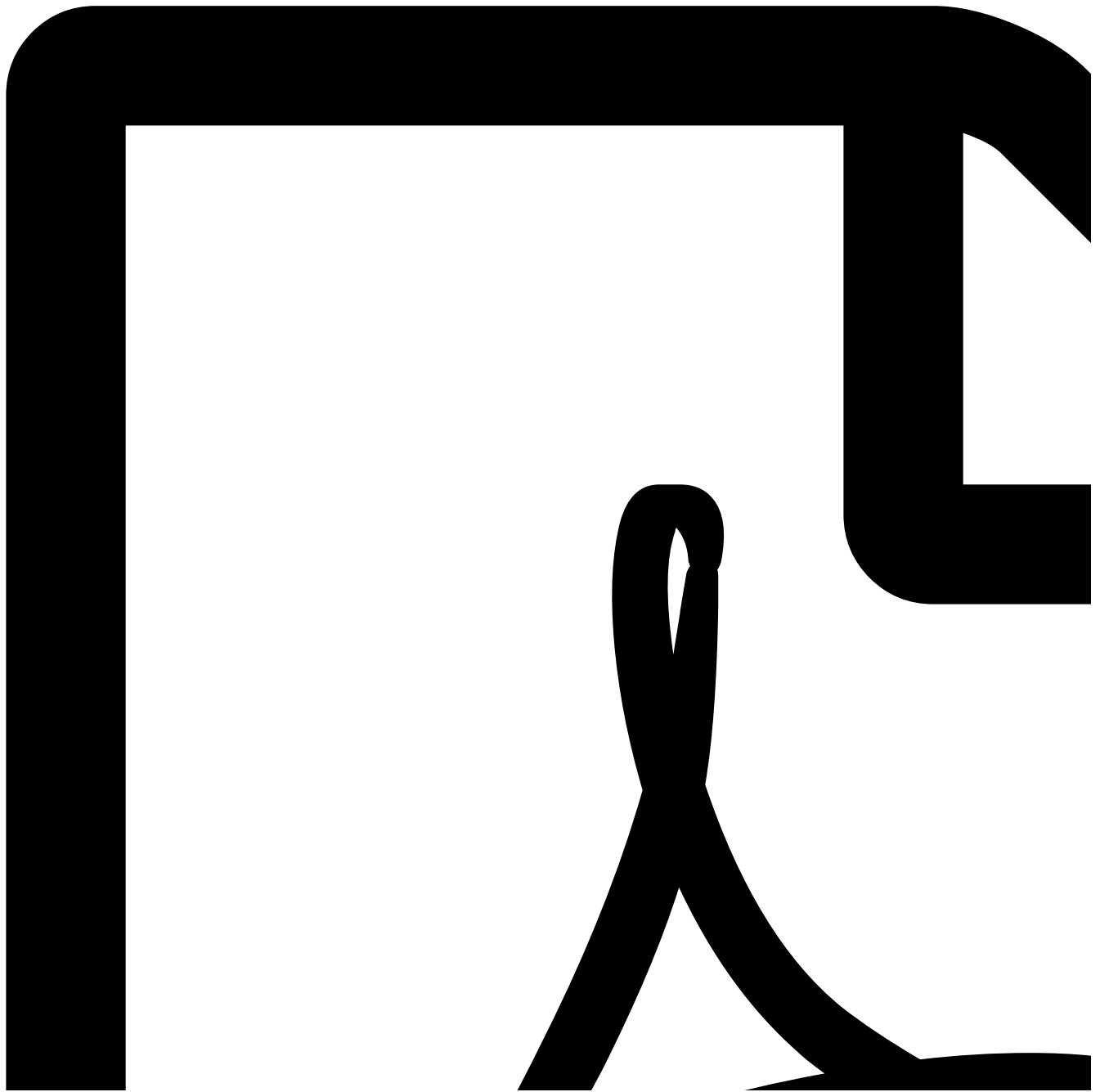
- U.S. Office of Special Counsel's "Your Rights as a Federal Employee" [informational document](#)
- U.S. Office of Special Counsel's Whistleblower Protection [slide show](#)



- U.S. Office of Special Counsel's posters on [whistleblowing](#)



, [prohibited personnel practices](#) , and [whistleblower retaliation](#)



- U.S. Office of Special Counsel's posters on the [Hatch Act and Most Federal Employees](#), the [Hatch Act and Further Restricted Employees](#), and [Social Media Use Refreshers](#)

---

### **Nondisclosure Agreements**

Pursuant to the Whistleblower Protection Enhancement Act of 2012, the following statement applies to non-disclosure policies, forms, or agreements of the federal government with current or former employees, including those in effect before the Act's effective date of December 27, 2012:

"These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive Order relating to (1) classified

## Whistleblower Protection - GSA Office of Inspector General

---

information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive Orders and statutory provisions are incorporated into this agreement and are controlling.”

The controlling Executive Orders and statutory provisions in the event of any conflict with a non-disclosure policy, form, or agreement include, as of March 14, 2013:

- Executive Order No. 13526 (governing classified national security information);
- Section 7211 of Title 5, United States Code (governing disclosures to Congress);
- Section 1034 of Title 10, United States Code as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military);
- Section 2302(b)(8) of Title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 and the Whistleblower Protection Enhancement Act of 2012 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats);
- Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents);
- The statutes which protect against disclosure that may compromise the national security, including Sections 641, 793, 794, 798, and 952 of Title 18, United States Code; and
- Section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)).